

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

METROPOLITAN LIFE	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-5044(FSH)
	:	
	:	
SANDRA PRICE, et al.	:	<b>REPORT &amp; RECOMMENDATION</b>
	:	
Defendants.	:	

This matter having come before the Court as a result of its Order dated June 25, 2008, directing defendant Sandra Price to show cause why the Undersigned should not recommend to the United States District Judge that Her Honor enter a judgment declaring that the general release that plaintiff sent to her is fully binding and that all of her claims to the life insurance proceeds are deemed abandoned;

and the Undersigned having convened a telephone conference on the record on June 25, 2008, to discuss defendant Sandra Price's failure to provide the signed general release as required by the deadline set forth in the Order dated May 12, 2008;

and plaintiff representing that it notified defendant Sandra Price via telephone and in writing of the conference;

and defendant Sandra Price having failed to participate in conference;

and defendant Sandra Price having failed to return the signed general release as required by the Order dated May 12, 2008;

and defendant Sandra Price having stated on the record on May 12, 2008 that she is abandoning her claim to the insurance proceeds;

and the parties having represented on the record on May 12, 2008 that the case can be resolved by splitting the proceeds between defendant Shannon Price and defendant Andre Price and that such proceeds can be paid upon: (1) presentation of the social security numbers for Shannon Price and Andre Price; and (2) the execution of releases by Sandra Price, Andre Price, and Shannon Price (by her legal guardian Ruthy Price) and that the plaintiff would forgo any attorney's fees;

and it appearing that defendant Sandra Price's failure to provide the general release and to participate in the telephone conference on June 25, 2008 has interfered with the ability of the other parties to resolve the case;

and given her failure to participate in the telephone conference on June 25, 2008 or comply with the May 12, 2008 Order, the Undersigned issued an Order, dated June 25, 2008, directing defendant Sandra Price to show cause in writing, no later than July 10, 2008, why the Undersigned should not recommend to the United States District Judge that Her Honor enter a judgment declaring that the general release that plaintiff had sent to her is fully binding and that all of her claims to the life insurance proceeds are deemed abandoned as she represented on the record on May 12, 2008;

and the plaintiff having filed proof that the Order, dated June 25, 2008 was served upon defendant Sandra Price, Docket Entry No. 28;

and defendant Sandra Price having failed to submit a response to the Order, dated June 25, 2008;

for the reasons set forth on the record on May 12, 2008 and June 25, 2008;

and for good cause shown,

IT IS ON THIS 17th day of July, 2008

RECOMMENDED that the United States District Judge enter a judgment declaring that the general release that plaintiff had sent to defendant Sandra Price is fully binding and that all of her claims to the life insurance proceeds are deemed abandoned. **The parties have ten (10) days from receipt of this recommendation to file and serve objections;** and

IT IS FURTHER ORDERED that the plaintiff shall: (1) serve a copy of this Report and Recommendation upon Sandra Price by regular mail and certified mail/return receipt requested and shall provide a copy of this Order to Shannon Price (by her legal guardian Ruthy Price) and Andre Price by regular mail; (2) provide the Court with proof that it served a copy of this Report and Recommendation; and (3) submit to the United States District Judge a proposed judgment for Her Honor's entry that embodies the Recommendation.

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s/Patty Shwartz

**UNITED STATES MAGISTRATE JUDGE**